

HR 2363 IH

108th CONGRESS

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H. R. 2363

To improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

June 5, 2003

Ms. DELAURO (for herself, Mr. CUMMINGS, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. MCNULTY, Mr. OWENS, Mr. SANDERS, Ms. SOLIS, Ms. KAPTUR, Mr. PALLONE, Mr. SERRANO, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, Mr. FROST, Ms. LOFGREN, Mr. CONYERS, Mr. ALLEN, and Mr. BROWN of Ohio) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, Ways and Means, House Administration, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE- This Act may be cited as the `Right Start Act of 2003'.

(b) TABLE OF CONTENTS- The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I--INVESTING IN HEAD START

Sec. 101. Authorization of appropriations.

TITLE II--IMPROVING THE AFFORDABILITY AND QUALITY OF CHILD CARE FOR WORKING FAMILIES

Sec. 201. Increase in funding for child care.

Sec. 202. Clarification of authority of States to use TANF funds carried over from prior years to provide TANF benefits and services.

TITLE III--FIGHTING CHILDHOOD HUNGER AND PROMOTING HEALTHY EATING HABITS

Sec. 301. Short title.

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Subtitle A--Training Grants

Sec. 311. Grants to provide training for health profession students.

Sec. 312. Grants to provide training for health professionals.

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Subtitle C--School Health Program

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Sec. 332. National Center for Health Statistics.

Subtitle D--Institute of Medicine Study

Sec. 341. Study of the food supplement and nutrition programs of the Department of

Agriculture.

Subtitle E--Agency for Healthcare Research and Quality Studies

Sec. 351. Evidence report on weight reduction programs.

Sec. 352. Health disparities report.

Subtitle F--Preventive Health and Health Services Block Grant

Sec. 361. Use of allotments.

Subtitle G--Medicare Nutrition Therapy Demonstration Project

Sec. 371. Demonstration project to reduce obesity and other chronic disease risks.

Subtitle H--Overweight and Obesity Treatment and Prevention Demonstration Projects

Sec. 381. Grants to local healthcare delivery systems.

Subtitle I--Research on Obesity

Sec. 391. Report on obesity research.

Subtitle J--Youth Media Campaign

Sec. 395. Grants and contracts for a national campaign to change children's health behaviors.

Subtitle K--Sense of the Senate

Sec. 399. Sense of the Senate concerning nutrition.

TITLE IV--SUPPORTING SERVICES TO LOW-INCOME FAMILIES THROUGH THE SOCIAL SERVICES BLOCK GRANT

Sec. 401. Increase in funding.

TITLE V--EXPANDING THE FAMILY AND MEDICAL LEAVE ACT

Sec. 501. Short title.

Sec. 502. Findings.

Subtitle A--Family Income To Respond to Significant Transitions

Sec. 511. Short title.

Sec. 512. Purposes.

Sec. 513. Definitions.

Sec. 514. Demonstration projects.

Sec. 515. Notification.

Sec. 516. Evaluations and reports.

Sec. 517. Authorization of appropriations.

Sec. 518. Technical and conforming amendments.

Subtitle B--Family Friendly Workplaces

Sec. 521. Short title.

Sec. 522. Coverage of employees.

Subtitle C--Employment Protection for Battered Women

Sec. 531. Entitlement to leave for addressing domestic violence for non-Federal employees.

Sec. 532. Entitlement to leave for addressing domestic violence for Federal employees.

Sec. 533. Existing leave usable for domestic violence.

Subtitle D--Federal Employees Paid Parental Leave

Sec. 541. Short title.

Sec. 542. Demonstration project.

Sec. 543. Technical and conforming amendments.

Sec. 544. Effective date.

Subtitle E--Time for Schools

Sec. 551. Short title.

Sec. 552. General requirements for leave.

Sec. 553. School involvement leave for civil service employees.

Sec. 554. Effective date.

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) Learning is an active process that begins at birth, is dependent on the existence of strong and stable relationships, is influenced by a child's physical, emotional, social, and cognitive capacities, and is shaped by a combination of biology and experience.
- (2) Before children reach the age of 2 years, measurable differentiation in their development and skills begins to appear. In the absence of intervention, that differentiation may increase over the preschool years.
- (3) Early childhood, which is the period in a child's life from birth through the age of 6 years, is a critical time for children to develop the physical, emotional, social, and cognitive skills they will need for the rest of their lives. Good nutrition and health care are essential to maximize the development process.
- (4) Young children receive care in a wide variety of settings. While 38 percent of young children receive care solely from their parents, the remaining 62 percent receive care through a variety of full-time and part-time arrangements, including by relatives, by nonrelatives (in a variety of home-based settings), and through center-based programs.
- (5) The cognitive, social, and emotional development of young children can be enhanced through parental involvement and high-quality early care, and developmentally appropriate early education activities.
- (6) Research indicates that successful academic achievement in education programs for children in kindergarten and grades 1 through 12 is linked to participation in high quality early care, including access to health care and nutrition, and early education activities.
- (7) The United States will be stronger now and in the future if the Nation invests in its children today.

TITLE I--INVESTING IN HEAD START

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL- Section 639(a) of the Head Start Act (42 U.S.C. 9834(a)) is amended by striking `such sums' and all that follows and inserting the following: `\$7,500,000,000 for fiscal year 2004, \$8,290,000,000 for fiscal year 2005, \$9,040,000,000 for fiscal year 2006,

\$9,890,000,000 for fiscal year 2007, and \$10,890,000,000 for fiscal year 2008.'.

(b) CONFORMING AMENDMENTS-

(1) RESERVATIONS- Paragraphs (1) and (3) of section 639(b) of the Head Start Act (42 U.S.C. 9834(b)) are amended by striking `2003' and inserting `2008'.

(2) DISTRIBUTION- Paragraphs (3)(A)(i)(I) and (6)(A) of section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) are amended by striking `fiscal year 2003' and inserting `each of fiscal years 2004 through 2008'.

TITLE II--IMPROVING THE AFFORDABILITY AND QUALITY OF CHILD CARE FOR WORKING FAMILIES

SEC. 201. INCREASE IN FUNDING FOR CHILD CARE.

(a) INCREASE IN FUNDING- Section 418(a)(3) of the Social Security Act (42 U.S.C. 618(a)(3)) is amended--

(1) by striking `and' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

`(G) \$3,717,000,000 for fiscal year 2004;

`(H) \$4,217,000,000 for fiscal year 2005;

`(I) \$4,917,000,000 for fiscal year 2006;

`(J) \$5,617,000,000 for fiscal year 2007; and

`(K) \$6,367,000,000 for fiscal year 2008.'.

(b) INCREASE IN SET ASIDE FOR CHILD CARE QUALITY- Section 658G of the

Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended by striking '4 percent' and inserting '10 percent'.

(c) INDIAN TRIBES AND PUERTO RICO-

(1) IN GENERAL- Section 418(a) of the Social Security Act (42 U.S.C. 618(a)) is amended by striking paragraph (4) and inserting the following:

“(4) AMOUNTS RESERVED-

“(A) INDIAN TRIBES- The Secretary shall reserve 2 percent of the aggregate amount appropriated to carry out this section under paragraphs (3) and (5) for each fiscal year for payments to Indian tribes and tribal organizations for each such fiscal year for the purpose of providing child care assistance.

“(B) PUERTO RICO- The Secretary shall reserve \$10,000,000 of the amount appropriated under paragraph (3) for each fiscal year for payments to the Commonwealth of Puerto Rico for each such fiscal year for the purpose of providing child care assistance.'.

(2) CONFORMING AMENDMENT- Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking 'or 413(f)' and inserting '413(f), or 418(a)(4)(B)'.

SEC. 202. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended--

(1) in the subsection heading, by striking 'ASSISTANCE' and inserting 'BENEFITS OR SERVICES'; and

(2) after the heading, by striking 'assistance' and inserting 'any benefit or service that may be provided'.

TITLE III--FIGHTING CHILDHOOD HUNGER AND PROMOTING HEALTHY EATING HABITS

SEC. 301. SHORT TITLE.

This title may be cited as the 'Improved Nutrition and Physical Activity Act' or the 'IMPACT Act'.

SEC. 302. FINDINGS.

Congress makes the following findings:

- (1) An estimated 61 percent of United States adults and 13 percent of children and adolescents are overweight or obese.
- (2) The prevalence of obesity and being overweight is increasing among all age groups. There are twice the number of overweight children and 3 times the number of overweight adolescents as there were 29 years ago.
- (3) An estimated 300,000 deaths a year are associated with being overweight or obese.
- (4) Obesity and being overweight are associated with increased risk for heart disease (the leading cause of death), cancer (the second leading cause of death), diabetes (the 6th leading cause of death), and musculoskeletal disorders.
- (5) Individuals who are obese have a 50 to 100 percent increased risk of premature death.
- (6) The Healthy People 2010 goals identify obesity and being overweight as one of the Nation's leading health problems and include objectives of increasing the proportion of adults who are at a healthy weight, reducing the proportion of adults who are obese, and reducing the proportion of children and adolescents who are overweight or obese.
- (7) Another goal of Healthy People 2010 is to eliminate health disparities among different segments of the population. Obesity is a health problem

that disproportionately impacts medically underserved populations.

- (8) The United States Surgeon General's report 'A Call To Action' lists the treatment and prevention of obesity as a top national priority.
- (9) The estimated direct and indirect annual cost of obesity in the United States is \$117,000,000,000, which exceeds the cost of tobacco-related illnesses and appears to be rising dramatically.
- (10) Weight control programs should promote a healthy lifestyle including regular physical activity and healthy eating, as consistently discussed and

identified in a variety of public and private consensus documents, including 'A Call to Action' and other documents prepared by the Department of Health and Human Services and other agencies.

SEC. 303. DEFINITIONS.

In this title:

(1) OBESE- The term `obese' means an adult with a Body Mass Index (BMI) of 30 kg/m² or greater.

(2) OVERWEIGHT- The term `overweight' means an adult with a Body Mass Index (BMI) of 25 to 29.9 kg/m² and a child or adolescent with a BMI at or above the 95th percentile on the revised Centers for Disease Control and Prevention growth charts.

(3) SECRETARY- Unless otherwise indicated, term `Secretary' means the Secretary of Health and Human Services.

Subtitle A--Training Grants

SEC. 311. GRANTS TO PROVIDE TRAINING FOR HEALTH PROFESSION STUDENTS.

Section 747(c)(3) of title VII of the Public Health Service Act (42 U.S.C. 293k(c)(3)) is amended by striking `and victims of domestic violence' and inserting `victims of domestic violence, and individuals (including children) who are overweight or obese (as such terms are defined in section 303 of the Improved Nutrition and Physical Activity Act) and at risk for related, serious and chronic medical conditions'.

SEC. 312. GRANTS TO PROVIDE TRAINING FOR HEALTH PROFESSIONALS.

Section 399Z of the Public Health Service Act (42 U.S.C. 280h-3) is amended by striking subsection (b) and inserting the following:

`(b) GRANTS-

`(1) IN GENERAL- The Secretary may award grants to qualified entities to train primary care physicians and other licensed or certified health professionals on how to identify, treat, and prevent obesity and aid individuals who are overweight (as such term is defined in section 303 of the Improved Nutrition and Physical Activity Act).

`(2) APPLICATION- An entity that desires a grant under this subsection shall submit an application at such time, in such form, and containing such information as the Secretary may require, including a plan for the use of funds that may be awarded and an evaluation of the training that will be provided.

`(3) USE OF FUNDS- An entity that receives a grant under this subsection shall use the funds made available through such grant to--

`(A) conduct educational conferences, including Internet-based courses and

teleconferences, on--

- `(i) how to treat and prevent obesity and being overweight using nutritional counseling, methods to increase physical activity, pharmacological therapies, motivational counseling to promote positive changes in health behaviors and to assist patients in identifying potential barriers to adhering to medical recommendations, and other proven interventions;

- `(ii) how to discuss varied strategies to promote positive behavior change and healthy lifestyles to avoid obesity, being overweight, and other eating disorders;

- `(iii) how to identify overweight and obese patients and those who are at risk for obesity and being overweight and therefore at risk for related serious and chronic medical conditions;

- `(iv) how to conduct a comprehensive assessment of individual and familial health risk factors, such as poor nutritional status, physical inactivity, and personal and family history of obesity and related serious and chronic medical conditions; and

- `(v) how to educate patients and their families about effective strategies to improve dietary habits and establish appropriate levels of physical activity;

- `(B) conduct training to enhance cultural and linguistic competency and communication skills needed to effectively interact with patients from diverse populations regarding weight, health, and nutritional status, including raising awareness of issues regarding stigma and prejudice about obesity or being overweight;

- `(C) evaluate the effectiveness of the training provided by such entity in increasing knowledge and changing attitudes and behaviors of trainees;

- `(D) develop training materials and course content using evidence-based findings or recommendations that pertain to obesity and overweight treatment and prevention ; and

- `(E) collaborate with other training programs related to overweight and obesity prevention and treatment.

`(4) EVALUATION-

- `(A) IN GENERAL- An entity that receives a grant under this subsection shall submit to the Secretary an evaluation that describes the activities carried out

by such entity with funds received under this section.

`(B) CONTENTS- Such evaluation shall include an assessment of the effectiveness of the activities in increasing physical activity, improving nutrition, and preventing individuals from

becoming overweight or obese, treating individuals who are overweight or obese, and any other information that the Secretary may require.

`(c) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section, \$10,000,000 for fiscal year 2004, and such sums as may be necessary for each of the fiscal years 2005 through 2008.'

Subtitle B--Local Grants

SEC. 321. GRANTS TO INCREASE PHYSICAL ACTIVITY AND IMPROVE NUTRITION.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

`SEC. 399AA. GRANTS TO INCREASE PHYSICAL ACTIVITY AND IMPROVE NUTRITION.

`(a) IN GENERAL- The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with Administrator of the Health Resources and Services Administration, the Director of the Indian Health Service, and the heads of other appropriate agencies, shall award competitive grants to cities, counties, tribes, and States to plan, implement, and evaluate culturally and linguistically appropriate and competent community-based programs and promote good nutrition and physical activity to prevent overweight, obesity (as such terms are defined in section 303 of the Improved Nutrition and Physical Activity Act), and related serious and chronic medical conditions that may result from being overweight or obese (as such terms are defined in section 303 of the Improved Nutrition and Physical Activity Act).

`(b) AWARD OF GRANTS- A city, county, tribe, or State desiring a grant under this section shall submit an

application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including a plan describing how funds received through a grant under this section will be used and an evaluation of the programs that will be provided. In awarding grants under this section, the Secretary shall ensure that the proposed programs are coordinated in substance and format with programs currently funded through other Federal agencies and operating within the community.

`(c) USE OF FUNDS- A city, county, tribe, or State that receives a grant under this section

shall use the funds made available through the grant to carry out 3 or more of the following activities:

`(1) Planning for and promotion of bike paths, walking paths, or other similar or related environmental changes that promote physical activity.

`(2) Forming partnerships and activities with businesses and other entities to increase activity levels at the workplace and while traveling to and from the workplace, develop wellness programs that relate to overweight and obesity, and to enhance nutritional status by improving food options.

`(3) Establishing tax and other incentives for businesses to increase the activity levels and improve the nutrition of their employees by encouraging such employees to--

`(A) walk or bike to work;

`(B) engage in other physical activity during working hours; and

`(C) improve available food options.

`(4) Forming partnerships with public and private entities including schools, faith-based entities, and other facilities providing recreational services to establish programs that use their facilities for after-school and weekend activities for the community.

`(5) Establishing tax or other incentives for retail food stores, grocery stores, and other retail food outlets that offer nutritious foods, to encourage such stores and outlets to locate in economically depressed areas to improve the nutritional status of the community.

`(6) Forming partnerships with senior centers and nursing homes to establish programs for older people to foster physical activity and improved nutrition, including strength, flexibility, and aerobic classes.

`(7) Providing educational activities targeting healthier eating, such as cooking and shopping demonstrations, onsite consultation by nutrition professionals at restaurants, and community educational outreach using evidence-based nutrition recommendations.

`(8) Forming partnerships with day care facilities to establish programs that promote improved nutritional status and physical activity.

`(9) Providing training and supervision of community health workers by health professionals to--

`(A) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

`(B) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity;

`(C) educate and guide parents regarding the ability to model and communicate positive health behaviors; and

`(D) educate and refer individuals to appropriate health care agencies and community-based programs and organizations in order to increase access to quality health care services, including preventive health services.

`(10) Other activities as deemed appropriate by the Secretary.

`(d) EVALUATION- A city, county, tribe, or State that receives a grant under this section shall submit to the Secretary an evaluation, in collaboration with an academic health center or other qualified community-based entity, that describes activities carried out with funds received under this section, the long-term effectiveness of such activities in increasing physical activity, improving nutrition, and preventing individuals from becoming overweight or obese, and such other information as the Secretary may require.

`(e) MATCHING FUNDS- In awarding grants under subsection (a), the Secretary may give priority to applicants who provide matching funds.

`(f) TECHNICAL ASSISTANCE- The Secretary may set aside an amount not to exceed 15 percent of the total

amount appropriated for a fiscal year under subsection (g) to permit the Director of the Centers for Disease Control and Prevention to--

`(1) provide grantees with technical support in the development, implementation, and evaluation of programs under this section; and

`(2) disseminate culturally and linguistically appropriate and competent information about strategies and interventions in preventing and treating obesity through the promotion of good nutrition and physical activity.

`(g) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section \$40,000,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 through 2008.'

Subtitle C--School Health Program

SEC. 331. ESTABLISHMENT OF A COORDINATED SCHOOL HEALTH PROGRAM.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by striking section 399W and inserting the following:

SEC. 399W. GRANTS.

(a) STATE EDUCATIONAL GRANTS- The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Health Resources and Services Administration, the Secretary of Education, the Secretary of Agriculture, and the Secretary of the Interior, shall, as part of the Centers for Disease Control and Prevention's coordinated school health program currently operated pursuant to the Director's general authority, award competitive grants to State, tribal, and local educational agencies (where applicable) to--

(1) develop and disseminate school-based curricula or programs that focus on a healthy lifestyle that includes promotion of balanced dietary patterns and physical activity to prevent becoming overweight or obese and related, serious, and chronic medical conditions that are associated with being overweight or obese (as such terms are defined in section 303 of the Improved Nutrition and Physical Activity Act);

(2) provide education and training to education professionals, including health education, physical education, and food service professionals;

(3) develop and implement policies that create a healthy school environment in relation to nutrition and physical activity; and

(4) evaluate activities conducted under paragraphs (1) through (3).

(b) LOCAL EDUCATIONAL GRANTS-

(1) IN GENERAL- The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Secretary of Education, the Secretary of Agriculture, and the Secretary of the Interior, shall award competitive grants to local educational agencies to plan, implement, and evaluate culturally and linguistically appropriate and competent programs to promote a healthy lifestyle, including programs that, in collaboration with statewide coordinated school health programs, when applicable, increase physical activity and improve the nutritional status of the students at elementary and secondary schools.

(2) AWARD OF GRANTS- A local educational agency desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan describing how funds received under this section will be used and an evaluation of the program.

(3) USE OF FUNDS- A local educational agency that receives a grant under this

subsection shall use the funds made available through the grant to carry out 4 or more of the following activities:

- `(A) Planning and implementing a healthy lifestyle curriculum or program with an emphasis on nutrition and physical activity for each grade level.
- `(B) Planning and implementing a physical education and activity curriculum or program for each grade level and purchasing appropriate equipment, with no more than 15 percent of a grant award used for purchasing such equipment.
- `(C) Planning and implementing healthy lifestyle classes or programs for parents and guardians, with an emphasis on nutrition and physical activity.
- `(D) Planning and implementing after-hours physical activity programs.
- `(E) Creating opportunities for students to choose foods to improve nutritional status.
- `(F) Training teachers and staff, including food service workers, on how to teach good nutrition and physical activity practices.
- `(G) Other activities as deemed appropriate by the Secretary.

`(4) EVALUATION- An agency that receives a grant under this subsection shall submit to the Secretary an evaluation, in collaboration with an academic department or other qualified community-based entity, describing the activities carried out under the grant, the effectiveness of the activities in increasing physical activity, improving nutrition, and preventing individuals from becoming overweight and obese, and such other information as the Secretary may require.

`(c) Community Educational Grants-

`(1) IN GENERAL- The Secretary, acting through the Centers for Disease Control and Prevention, shall award competitive grants to universities, colleges, or community-based nonprofit organizations to develop, implement, and evaluate programs to promote healthy eating and physical activity in youth and to conduct effectiveness reports to identify programs that have demonstrated effectiveness in improving nutritional status and physical activity in youth.

`(2) AWARD OF GRANTS- A university, college, or qualified community-based nonprofit entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

`(3) INFORMATION AVAILABILITY- Information about programs funded with grants authorized under this subsection shall be made available to State, tribal, and

local educational agencies and may be used in planning and implementing programs described in subsections (a) and (b).

`(d) TECHNICAL ASSISTANCE- The Secretary may set aside an amount not to exceed 15 percent of the total amount appropriated for a fiscal year under subsection (e) to permit the Director of the Centers for Disease Control and Prevention to--

`(1) provide grantees with technical support in the development, implementation, and evaluation of programs under this section; and

`(2) disseminate culturally and linguistically appropriate and competent information about strategies and interventions in preventing and treating obesity through the promotion of good nutrition and physical activity.

`(e) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section \$40,000,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 through 2008.'

SEC. 332. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended by striking subsection (n) and inserting the following:

`(n)(1) The Secretary, acting through the Center, may provide for the--

`(A) collection of data for determining the fitness levels of children and youth; and

`(B) analysis of data collected as part of the National Health and Nutrition Examination Survey and other data sources.

`(2) In carrying out paragraph (1), the Secretary, acting through the Center, may make grants to states, public and nonprofit entities.

`(3) The Secretary, acting through the Center, may provide technical assistance, standards, and methodologies to grantees supported by this subsection in order to maximize the data quality and comparability with other studies.'

Subtitle D--Institute of Medicine Study

SEC. 341. STUDY OF THE FOOD SUPPLEMENT AND NUTRITION PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.

(a) IN GENERAL- The Secretary of Agriculture shall request that the Institute of Medicine conduct, or contract with another entity to conduct, a study on the food and nutrition assistance programs run by the Department of Agriculture.

(b) CONTENT- Such study shall--

- (1) investigate whether the nutrition programs and nutrition recommendations are based on the latest scientific evidence;
- (2) investigate whether the food assistance programs contribute to either preventing or enhancing obesity and being overweight in children, adolescents, and adults;
- (3) investigate whether the food assistance programs can be improved or altered to contribute to the prevention of obesity and becoming overweight; and
- (4) identify obstacles that prevent or hinder the programs from achieving their objectives.

(c) REPORT- Not later than 24 months after the date of enactment of this Act, the Secretary of Agriculture shall submit to the appropriate committees of Congress a report containing the results of the Institute of Medicine study authorized under this section.

(d) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section \$750,000 for fiscal years 2004 and 2005.

Subtitle E--Agency for Healthcare Research and Quality Studies

SEC. 351. EVIDENCE REPORT ON WEIGHT REDUCTION PROGRAMS.

(a) IN GENERAL- The Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall conduct or support an evidence report on the effectiveness of weight reduction programs.

(b) CONTENT- The study described in subsection (a) shall evaluate the available scientific evidence regarding the safety and effectiveness of the programs, including programs that use dietary supplements, behavior modification, and other weight loss methods, and how successful the programs are in helping individuals achieve short-term weight loss and sustain long-term weight maintenance.

(c) REPORT- The Secretary shall, not later than 18 months after the date of enactment of this Act, prepare and submit to the relevant committees of Congress a report that describes the results of the evidence report described in this section. Such report shall be made available on the web site of the Agency for Healthcare Research and Quality.

(d) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section, \$500,000 for fiscal year 2004.

SEC. 352. HEALTH DISPARITIES REPORT.

Not later than 18 months after the date of enactment of this Act, and annually thereafter,

the Director of the Agency for Healthcare Research and Quality shall review all research that results from the activities outlined in this Act and determine if particular information may be important to the report on health disparities required by section 903(c)(3) of the Public Health Service Act (42 U.S.C. 299a-1(c)(3)).

Subtitle F--Preventive Health and Health Services Block Grant

SEC. 361. USE OF ALLOTMENTS.

Section 1904(a)(1) of title XIX of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)) is amended by adding at the end the following:

“(H) Activities and community education programs designed to address and prevent overweight, obesity, and eating disorders through effective programs to promote healthy eating, and exercise habits and behaviors.”.

Subtitle G--Medicare Nutrition Therapy Demonstration Project

SEC. 371. DEMONSTRATION PROJECT TO REDUCE OBESITY AND OTHER CHRONIC DISEASE RISKS.

(a) DEMONSTRATION- The Secretary, in consultation with the Administrator of the Centers for Medicare

& Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for improving the health of older Americans.

(b) CONTENT- The demonstration project described in subsection (a) shall--

(1) identify, through self-assessment, behavioral risk factors, such as obesity and overweight, poor nutrition, physical inactivity, alcohol use, tobacco use, and mental health problems among those target individuals;

(2) identify, through self-assessment, needed medicare clinical preventive and screening benefits among those target individuals;

(3) identify, through self-assessment, functional and self-management information the Secretary determines to be appropriate;

(4) provide ongoing support to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

(5) improve health outcomes, satisfaction, quality of life, and appropriate use of medicare-covered services among those target individuals.

(c) DEFINITIONS-

In this section:

(1) **TARGET INDIVIDUALS**- The term `target individuals' means individuals who are medicare beneficiaries under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who shall include different segments of the population including racial and ethnic minority groups and persons of lower socioeconomic status. The demonstration is completely voluntary on the part of target individuals.

(2) **SELF-ASSESSMENT**- The term `self-assessment' means a form delivered by the Secretary to each target individual that--

(A) includes questions regarding--

(i) behavioral risk factors;

(ii) needed preventive and screening services; and

(iii) target individuals' preferences for receiving followup information;
and

(B) is then assessed using such computer generated assessment programs and provides ongoing support to the individual as the Secretary determines appropriate.

(3) **ONGOING SUPPORT**- The term `ongoing support' means--

(A) to provide target individuals with information, feedback, health coaching, and recommendations regarding--

(i) the results of the self-assessment;

(ii) behavior modification based on the self-assessment; and

(iii) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

(B) to provide target individuals with referrals to community resources and programs (such as senior centers) available to assist the target individual in reducing health risks;

(C) information on available volunteer opportunities to promote active engagement in the community; and

(D) to provide the information described in subparagraph (A) to a health care provider, if designated by the target individual to receive such information.

(d) PROGRAM DESIGN-

(1) INITIAL DESIGN- Not later than 1 year after the date of enactment of this Act, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, and the heads other agencies in the Department of Health and Human Services, and professional organizations, as the Secretary determines to be appropriate on the design, conduct, and evaluation of the demonstration.

(2) NUMBER AND PROJECT AREAS- Not later than 2 years after the date of enactment of this Act, the Secretary shall implement 1 demonstration project designed to determine whether similar programs should be implemented for the general medicare population.

(e) REPORT TO CONGRESS- Not later than 3 years after the date the Secretary implements the demonstration project under this section, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any other information the Secretary determines to be appropriate.

(f) WAIVER AUTHORITY- The Secretary shall waive compliance with the requirements of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to such extent and for such period as the Secretary determines is necessary to conduct the demonstration project under this section.

(g) FUNDING- The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Insurance Trust Fund under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) an amount not to exceed \$25,000,000 for the costs of designing, implementing, and evaluating the demonstration project under this section.

Subtitle H--Overweight and Obesity Treatment and Prevention Demonstration Projects

SEC. 381. GRANTS TO LOCAL HEALTHCARE DELIVERY SYSTEMS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) as amended in section 321, is further amended by adding at the end the following:

`SEC. 399BB. GRANTS TO LOCAL HEALTHCARE DELIVERY SYSTEMS.

`(a) IN GENERAL- The Secretary shall award grants to eligible entities to implement

demonstration

overweight and obesity (as such terms are defined in section 303 of the Improved Nutrition and Physical Activity Act) treatment and prevention programs using evidence-based recommendations.

`(b) ELIGIBLE ENTITY- In this section, the term `eligible entity' means a federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4)), rural health clinic, health department, Indian Health Service hospital or clinic, Indian tribal health facility, urban Indian facility, or other health care service provider, as determined appropriate by the Secretary.

`(c) AWARD OF GRANTS- An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the use of funds awarded under the grant and an evaluation of the program.

`(d) USE OF FUNDS- An eligible entity that receives a grant under this section shall use the funds made available through the grant to carry out 3 or more of the following activities in a culturally and linguistically appropriate and competent manner:

`(1) Providing nutrition and physical activity services by a health professional to treat or prevent overweight and obesity.

`(2) Providing patient education and counseling to increase physical activity and improve nutrition.

`(3) Providing community education on nutrition and physical activity by a health professional to provide better understanding of the relationship between diet, physical activity, and obesity.

`(4) Training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling.

`(5) Providing education and referring individuals to appropriate health care agencies and community-based programs and organizations in order to increase access to quality health care services, including preventive health services.

`(6) Training and supervising community health workers by qualified health professionals to--

`(A) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

`(B) educate families about effective strategies to improve nutrition, establish healthy eating patterns and establish appropriate levels of physical activity;

and

`(C) educate and guide parents regarding the ability to model and communicate positive health behaviors.

`(7) Other activities that are deemed appropriate by the Secretary.

`(e) EVALUATION- An eligible entity that receives a grant under this section shall, in collaboration with an academic health center or other qualified community-based entity, submit to the Secretary a report describing the activities carried out under the grant, the effectiveness of the activities in increasing physical activity, improving nutrition, and preventing overweight and obesity, and such other information as the Secretary may require.

`(f) TECHNICAL ASSISTANCE- The Secretary may set aside an amount not to exceed 15 percent of the total amount appropriated for a fiscal year under subsection (g) to--

`(1) provide grantees with technical support in the development, implementation, and evaluation of programs under this section; and

`(2) disseminate culturally and linguistically appropriate and competent information about strategies and interventions in preventing and treating obesity through the promotion of good nutrition and physical activity.

`(g) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section, \$40,000,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 through 2008.'

Subtitle I--Research on Obesity

SEC. 391. REPORT ON OBESITY RESEARCH.

(a) IN GENERAL- Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on research on causes and health implications of obesity and being overweight.

(b) CONTENT- The report described in subsection (a) shall contain--

(1) descriptions on the status of relevant, current, ongoing research being conducted in the department including--

(A) the types and numbers of studies completed or being conducted by the National Institutes of Health on--

(i) mechanisms responsible for obesity (including nutrition, physical

activity, genetic causes such as syndrome X), the prevention of and the treatment for obesity and related, serious, and chronic medical conditions (including diabetes and cardiovascular disease); and

(ii) psychosocial aspects of obesity;

(B) the types and number of studies completed or being conducted by the Centers for Disease Control and Prevention on individual and community interventions to prevent individuals from becoming overweight or obese;

(C) the types of studies completed or being conducted by the Agency for Healthcare Research and Quality on the treatment and prevention of overweight and obesity;

(D) the types of studies being conducted by the Health Resources and Services Administration on the prevention of overweight and obesity; and

(E) what these studies have shown about the causes of, prevention of, and treatment of overweight and obesity; and

(2) recommendations on further research that is needed, including research among diverse populations, the department's plan for conducting such

research, and how current knowledge can be disseminated.

Subtitle J--Youth Media Campaign

SEC. 395. GRANTS AND CONTRACTS FOR A NATIONAL CAMPAIGN TO CHANGE CHILDREN'S HEALTH BEHAVIORS.

Section 399Y of the Public Health Service Act (42 U.S.C. 280h-2) is amended by striking subsection (b) and inserting the following:

“(b) GRANTS-

“(1) IN GENERAL- As part of the campaign described in subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants or contracts to eligible entities to design and implement culturally and linguistically appropriate and competent campaigns to change children's health behaviors.

“(2) ELIGIBLE ENTITY- In this subsection, the term ‘eligible entity’ means a marketing, public relations, advertising, or other appropriate entity.

“(3) CONTENT- An eligible entity that receives a grant under this subsection shall use funds received through such grant or contract to utilize marketing and

communication strategies to--

`(A) communicate messages to help young people develop habits that will foster good health over a lifetime;

`(B) provide young people with motivation to engage in sports and other physical activities;

`(C) influence youth to develop good health habits such as regular physical activity and good nutrition;

`(D) educate parents of young people on the importance of physical activity and improving nutrition, how to maintain healthy behaviors for the entire family, and how to encourage children to develop good nutrition and physical activity habits; and

`(E) discourage stigmatization and discrimination based on body size or shape.

`(4) REPORT- The Secretary shall evaluate the effectiveness of the campaign described in paragraph (1) in changing children's behaviors and report such results to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

`(c) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section, \$125,000,000 for fiscal year 2004, and such sums as necessary for each of fiscal years 2005 through 2008.'

Subtitle K--Sense of the Senate

SEC. 399. SENSE OF THE SENATE CONCERNING NUTRITION.

(a) FINDINGS- Congress makes the following findings:

(1) Key child nutrition programs are up for reauthorization in the 108th Congress, including the School Breakfast Program, School Lunch Program, Special Milk Program, Child and Adult Care Food Program, Summer Food Service Program, and the Women's, Infant's, and Children's (WIC) Program.

(2) The United States Department of Agriculture reports, based on national United States Census Bureau data, that in 2000 10.5 percent of all United States households, representing 20,000,000 adults and 13,000,000 children, were 'food insecure'. Of the 11,000,000 households that were food insecure, 3,300,000 suffered from food insecurity that was so severe that USDA's very conservative measure classified them as 'hungry'. 2,700,000 children lived in these hungry households.

(3) Households with children experience food insecurity at more than double the rate for households without children.

(4) Mental and physical changes accompany inadequate food intake which can have harmful effects on learning, development, productivity, physical and psychological health, and family life. These effects are particularly harmful to children, and can have a lasting impact.

(5) The Surgeon General has established as an important health objective, to increase the food security from 88 percent of all United States households (in 1995) to 94 percent by the year 2010.

(6) A national survey of emergency feeding programs conducted by America's Second Harvest in 2001 found their food bank network of emergency food providers served 23,000,000 people in a year, 9 percent more than were served in 1997, and more than 9,000,000 of those served were children.

(7) United States Conference of Mayors data indicates that between November 2000 to November 2001, only one-third of the major cities surveyed reported that they were able to provide an adequate quantity of food to meet the need. Eighty-five percent of the cities reported that emergency food assistance facilities have had to decrease the quantity of food provided or the number of times families or individuals may receive food. Across the cities surveyed, 54 percent of those requesting emergency assistance were either children or their parents. The average increase in the number of families with children requesting emergency food was 19 percent.

(8) Adequate nutrition in the earliest years of life is essential for healthy child development and for school readiness.

(9) Congress recently enacted, and the President signed into law, the No Child Left Behind Act to increase student academic achievement. Numerous studies indicate that hunger can have a detrimental effect on a child's ability to learn and thrive in school.

(10) Food insecurity and overweight frequently co-exist in the population.

(11) Federal child nutrition programs can be an efficient and effective means to reduce hunger, reduce overweight prevalence, and promote healthy eating habits among children in the United States.

(b) SENSE OF THE SENATE- It is the Sense of the Senate, that as Congress works to reauthorize the child nutrition laws of the United States, it should--

(1) carefully evaluate elements of those programs to strengthen efficiency and effectiveness, including streamlining program administration, reducing paperwork

burdens, and simplifying access for parents;

(2) improve the healthfulness of meals served, as well as that of other foods and beverages made available in schools;

(3) strengthen the educational component of the programs to encourage healthy eating habits and promote physical activity;

(4) review eligibility guidelines, and reimbursement rates; and

(5) provide significant additional funding to carry out these and other vital priorities to make sure pregnant women, and children from infancy through school have access to nutritious food to optimize health and prevent overweight.

TITLE IV--SUPPORTING SERVICES TO LOW-INCOME FAMILIES THROUGH THE SOCIAL SERVICES BLOCK GRANT

SEC. 401. INCREASE IN FUNDING.

Section 2003(c) of the Social Security Act (42 U.S.C. 1379b(c)) is amended--

(1) in paragraph (10), by striking `and';

(2) in paragraph (11), by striking `and each fiscal year thereafter.' and inserting a semicolon; and

(3) by adding at the end the following:

`(12) \$2,800,000,000 for each of the fiscal years 2004 through 2008; and

`(13) \$1,700,000,000 for the fiscal year 2009 and each fiscal year thereafter.'.

TITLE V--EXPANDING THE FAMILY AND MEDICAL LEAVE ACT

SEC. 501. SHORT TITLE.

This title may be cited as the `Family and Medical Leave Expansion Act'.

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) Since the enactment of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), more than 35,000,000 Americans have taken leave for family or medical reasons.

(2) Of those taking leave under the Family and Medical Leave Act of 1993, 52 percent took the leave for their own serious health conditions, and 26 percent took the leave to care for a new child or for maternity disability reasons.

(3) While the leave provided by the Family and Medical Leave Act of 1993 has proven to be a critical resource for millions of Americans, too many people are left behind because the Act provides only unpaid leave.

(4) According to a 2000 Department of Labor survey--

(A) 3,500,000 Americans needed family and medical leave but could not afford to take time off without pay;

(B) nearly four-fifths (78 percent) of those surveyed who needed the leave but did not take it said they could not afford unpaid leave;

(C) nine percent of those taking family and medical leave and receiving less than full pay during their longest period of the leave had to go on public assistance to cover their lost wages; and

(D) seventy-three percent of those taking family and medical leave had incomes above \$30,000.

(5) In 1970, only 27 percent of mothers with infants under age 1 were in the labor force.

(6) In 1999, nearly 60 percent of mothers with infants under age 1 were working.

(7) Worldwide, 128 countries of the 172 responding to an International Social Security Association survey in 1999 provided at least some paid and job protected maternity leave, and, on average, provided 16 weeks of basic paid maternity leave. In some countries, paid maternity leave is mandatory and in others it is voluntary.

(8) A European Union directive mandating 14 weeks of paid maternity leave was adopted as a health and safety measure in 1992.

(9) Among the 29 Organization for Economic Cooperation and Development (OECD) countries, the most advanced industrialized countries, the average period of childbirth-related leave (including maternity, paternity, and parental leaves) is 44 weeks (10 months) with additional time provided in some countries for leave to care for a sick child. In those countries, the average duration of paid childbirth-related leave is 36 weeks.

(10) In more than half of the OECD countries (16 countries), the cash benefit provided while on the paid childbirth-related leave replaces between 70 and 100 percent of prior wages.

(11) Among the OECD countries, adoptive mothers and adoptive parents are increasingly eligible for the paid childbirth-related leave.

Subtitle A--Family Income To Respond to Significant Transitions

SEC. 511. SHORT TITLE.

This subtitle may be cited as the 'Family Income to Respond to Significant Transitions Insurance Act'.

SEC. 512. PURPOSES.

The purposes of this subtitle are--

- (1) to establish a demonstration program that supports the efforts of States and political subdivisions to provide partial or full wage replacement, often referred to as FIRST insurance, to new parents so that the new parents are able to spend time with a new infant or newly adopted child, and to other employees; and
- (2) to learn about the most effective mechanisms for providing the wage replacement assistance.

SEC. 513. DEFINITIONS.

In this subtitle:

- (1) EMPLOYER; SON OR DAUGHTER; STATE- The terms 'employer', 'son or daughter', and 'State' have the meanings given the terms in section 101 of the Family and Medical

Leave Act of 1993 (29 U.S.C. 2611).

- (2) SECRETARY- The term 'Secretary' means the Secretary of Labor, acting after consultation with the Secretary of Health and Human Services.

SEC. 514. DEMONSTRATION PROJECTS.

(a) GRANTS-

- (1) IN GENERAL- The Secretary shall make grants to eligible entities to pay for the Federal share of the cost of carrying out projects that assist families by providing, through various mechanisms, wage replacement for eligible individuals who are responding to--

(A) caregiving needs resulting from the birth or adoption of a son or daughter;

or

(B) other family caregiving needs.

(2) PERIODS- The Secretary shall make the grants for periods of 5 years.

(b) ELIGIBLE ENTITIES- To be eligible to receive a grant under this section, an entity shall be a State or political subdivision of a State.

(c) USE OF FUNDS-

(1) IN GENERAL- An entity that receives a grant under this section may use the funds made available through the grant to provide partial or full wage replacement as described in subsection (a) to eligible individuals--

(A) directly;

(B) through an insurance program, such as a State temporary disability insurance program or the State unemployment compensation benefit program;

(C) through a private disability or other insurance plan, or another mechanism provided by a private employer; or

(D) through another mechanism.

(2) PERIOD- In carrying out a project under this section, the entity shall provide partial or full wage replacement to eligible individuals for not less than 6 weeks during a period of leave, or an absence from employment, described in subsection (d)(2), during any 12-month period. Wage replacement available to an individual under this paragraph shall be in addition to any compensation from annual or sick leave that the individual may elect to use during a period of leave, or an absence from employment, described in subsection (d)(2), during any 12-month period.

(3) ADMINISTRATIVE COSTS- No entity may use more than 10 percent of the total funds made available through the grant during the 5-year period of the grant to pay for the administrative costs relating to a project described in subsection (a).

(d) ELIGIBLE INDIVIDUALS- To be eligible to receive wage replacement under subsection (a), an individual shall--

(1) meet such eligibility criteria as the eligible entity providing the wage replacement may specify in an application described in subsection (e); and

(2) be--

(A) an individual who is taking leave, under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), other Federal, State, or local law, or a private plan, for a reason described in subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1));

(B) at the option of the eligible entity, an individual who--

(i) is taking leave, under that Act, other Federal, State, or local law, or a private plan, for a reason described in subparagraph (C), (D), (E), or (F) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)); or

(ii) leaves employment, and has an absence from employment, because the individual has elected to care for a son or daughter under age 1; or

(C) at the option of the eligible entity, an individual who has an absence from employment and has other characteristics specified by the eligible entity in an application described in subsection (e).

(e) APPLICATION- To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum--

(1) a plan for the project to be carried out with the grant;

(2) information demonstrating that the applicant consulted representatives of employers and employees, including labor organizations, in developing the plan;

(3) estimates of the costs and benefits of the project;

(4)(A) information on the number and type of families to be covered by the project, and the extent of such coverage in the area served under the grant; and

(B) information on any criteria or characteristics that the entity will use to determine whether an individual is eligible for wage replacement under subsection (a), as described in paragraphs (1) and (2)(C) of subsection (d);

(5) if the project will expand on State and private systems of wage replacement for eligible individuals, information on the manner in which the project will expand on the systems;

(6) information demonstrating the manner in which the wage replacement assistance provided through the project will assist families in which an individual takes leave or is absent from employment as described in subsection (d)(2); and

(7) an assurance that the applicant will participate in efforts to evaluate the effectiveness of the project.

(f) SELECTION CRITERIA- In selecting entities to receive grants for projects under this section, the Secretary shall--

(1) take into consideration--

(A) the scope of the proposed projects;

(B) the cost-effectiveness, feasibility, and financial soundness of the proposed projects;

(C) the extent to which the proposed projects would expand access to wage replacement in response to family caregiving needs, particularly for low-wage employees, in the area served by the grant; and

(D) the benefits that would be offered to families and children through the proposed projects; and

(2) to the extent feasible, select entities proposing projects that utilize diverse mechanisms, including expansion of State unemployment compensation benefit programs, and establishment or expansion of State temporary disability insurance programs, to provide the wage replacement.

(g) FEDERAL SHARE-

(1) IN GENERAL- The Federal share of the cost described in subsection (a) shall be--

(A) 50 percent for the first year of the grant period;

(B) 40 percent for the second year of that period;

(C) 30 percent for the third year of that period; and

(D) 20 percent for each subsequent year.

(2) NON-FEDERAL SHARE- The non-Federal share of the cost may be in cash or in kind, fairly evaluated, including plant, equipment, and services and may be provided from State, local, or private sources, or Federal sources other than this subtitle.

(h) SUPPLEMENT NOT SUPPLANT- Funds appropriated pursuant to the authority of this subtitle shall be used to supplement and not supplant other Federal, State, and local public funds and private funds expended to provide wage replacement.

(i) EFFECT ON EXISTING RIGHTS- Nothing in this subtitle shall be construed to supersede, preempt, or otherwise infringe on the provisions of any collective bargaining agreement or any employment benefit program or plan that provides greater rights to employees than the rights established under this subtitle.

SEC. 515. NOTIFICATION.

An eligible entity that provides partial or full wage replacement to an eligible individual under this subtitle shall notify (in a form and manner prescribed by the Secretary)--

(1) the employer of the individual of the amount of the wage replacement provided; and

(2) the individual and the employer of the individual that the employer shall count an appropriate period of leave, calculated under section 102(g) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(g)), as added by section 518, against the total amount of leave (if any) to which the employee is entitled under section 102(a)(1) of that Act (29 U.S.C. 2612(a)(1)).

SEC. 516. EVALUATIONS AND REPORTS.

(a) AVAILABLE FUNDS- The Secretary shall use not more than 2 percent of the funds made available under section 517 to carry out this section.

(b) EVALUATIONS- The Secretary shall, directly or by contract, evaluate the effectiveness of projects carried out with grants made under section 514, including conducting--

(1) research relating to the projects, including research comparing--

(A) the scope of the projects, including the type of insurance or other wage replacement mechanism used, the method of financing used, the eligibility requirements, the level of the wage replacement benefit provided (such as the

percentage of salary replaced), and the length of the benefit provided, for the projects;

(B) the utilization of the projects, including the characteristics of individuals who benefit from the projects, particularly low-wage workers, and factors that determine the ability of eligible individuals to obtain wage replacement through the projects; and

(C) the costs of and savings achieved by the projects, including the cost-effectiveness of the projects and their benefits for children and families;

(2) analysis of the overall need for wage replacement; and

(3) analysis of the impact of the projects on the overall availability of wage replacement.

(c) REPORTS-

(1) INITIAL REPORT- Not later than 3 years after the beginning of the grant period for the first grant made under section 514, the Secretary shall prepare and submit to Congress a report that contains information resulting from the evaluations conducted under subsection (b).

(2) SUBSEQUENT REPORTS- Not later than 4 years after the beginning of that grant period, and

annually thereafter, the Secretary shall prepare and submit to Congress a report that contains--

(A) information resulting from the evaluations conducted under subsection (b); and

(B) usage data for the demonstration projects, for the most recent year for which the data are available.

SEC. 517. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle \$400,000,000 for fiscal year 2004 and such sums as may be necessary for each subsequent fiscal year.

SEC. 518. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL- Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended by adding at the end the following:

“(g) RELATIONSHIP TO FIRST INSURANCE-

“(1) FULL WAGE REPLACEMENT- If an eligible entity provides full wage replacement to an employee for a period under subtitle A of the Family and Medical Leave Expansion Act, the employee's employer shall count an amount of leave, equal to that period, against the total amount of leave (if any) to which the employee is entitled under subsection (a)(1).

“(2) PARTIAL WAGE REPLACEMENT- If an eligible entity provides partial wage replacement to an employee for a period under subtitle A of the Family and Medical Leave Expansion Act, the employee's employer shall--

“(A) total the amount of partial wage replacement provided for that period;

“(B) convert the total into a corresponding amount of full wage replacement

provided for a proportionately reduced period; and

`(C) count an amount of leave, equal to the period described in subparagraph (B), against the total amount of leave (if any) to which the employee is entitled under subsection (a)(1).'

(b) TECHNICAL AND CONFORMING AMENDMENTS- Section 102(d)(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)(2)) is amended by striking `for leave' each place it appears and inserting `for any unpaid leave'.

Subtitle B--Family Friendly Workplaces

SEC. 521. SHORT TITLE.

This subtitle may be cited as the `Family and Medical Leave Fairness Act of 2003'.

SEC. 522. COVERAGE OF EMPLOYEES.

Paragraphs (2)(B)(ii) and (4)(A)(i) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)(B)(ii) and (4)(A)(i)) are amended by striking `50' each place it appears and inserting `25'.

Subtitle C--Employment Protection for Battered Women

SEC. 531. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR NON-FEDERAL EMPLOYEES.

(a) DEFINITIONS- Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

`(14) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS- The term `addressing domestic violence and its effects' means--

`(A) being unable to attend or perform work due to an incident of domestic violence;

`(B) seeking medical attention for or recovering from injuries caused by domestic violence;

`(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding, related to domestic violence;

`(D) obtaining services from a domestic violence shelter or program or rape crisis center as a result of domestic violence;

`(E) obtaining psychological counseling related to experiences of domestic violence;

`(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

`(G) participating in any other activity necessitated by domestic violence that must be undertaken during the hours of employment involved.

`(15) DOMESTIC VIOLENCE- The term `domestic violence' means domestic violence, and dating violence, as such terms are defined in section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-4).'

(b) LEAVE REQUIREMENT- Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended--

(1) in subsection (a)(1), by adding at the end the following:

`(E) In order to care for the son, daughter, or parent of the employee, if such son,

daughter, or parent is addressing domestic violence and its effects.

`(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.';

(2) in subsection (b), by adding at the end the following:

`(3) DOMESTIC VIOLENCE- Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an eligible employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.'; and

(3) in subsection (d)(2)(B), by striking `(C) or (D)' and inserting `(C), (D), (E), or (F)'.

(c) CERTIFICATION- Section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) is amended--

(1) in the title of the section, by inserting before the period the following: `; confidentiality'; and

(2) by adding at the end the following:

`(f) DOMESTIC VIOLENCE- In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide--

`(1) a written statement describing the domestic violence and its effects;

`(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional,

from whom the employee has sought assistance in addressing domestic violence and its effects;
or

`(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

`(g) CONFIDENTIALITY- All evidence provided to the employer under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of--

`(1) protecting the safety of the employee or a family member or co-worker of the employee; or

`(2) assisting in documenting domestic violence for a court or agency.'.

(d) TABLE OF CONTENTS- The table of contents in section 1(b) of the Family and Medical Leave Act of 1993 (29 U.S.C. prec. 2601) is amended by striking the item relating to section 103 and inserting the following:

`Sec. 103. Certification; confidentiality.'.

SEC. 532. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR FEDERAL EMPLOYEES.

(a) DEFINITIONS- Section 6381 of title 5, United States Code, is amended--

(1) at the end of paragraph (5), by striking `and';

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

`(7) the term `addressing domestic violence and its effects' has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611); and

`(8) the term `domestic violence' means domestic violence, and dating violence, as such terms are defined in section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-4).'

(b) LEAVE REQUIREMENT- Section 6382 of title 5, United States Code, is amended--

(1) in subsection (a)(1), by adding at the end the following:

`(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

`(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.';

(2) in subsection (b), by adding at the end the following:

`(3) DOMESTIC VIOLENCE- Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.'; and

(3) in subsection (d), by striking `(C), or (D)' and inserting `(C), (D), (E), or (F)'.

(c) CERTIFICATION- Section 6383 of title 5, United States Code, is amended--

(1) in the title of the section, by adding at the end the following: `; **confidentiality**'; and

(2) by adding at the end the following:

`(f) In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employing agency of an employee may require the employee to provide--

`(1) a written statement describing the domestic violence and its effects;

`(2) documentation of the domestic violence involved, such as a police or court

record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

`(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or other damaged property.

`(g) All evidence provided to the employing agency under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employing agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of--

`(1) protecting the safety of the employee or a family member or co-worker of the employee; or

`(2) assisting in documenting domestic violence for a court or agency.'.

(d) TABLE OF SECTIONS- The table of sections for chapter 63 of title 5, United States Code, is amended by

striking the item relating to section 6383 and inserting the following:

`6383. Certification; confidentiality.'.

SEC. 533. EXISTING LEAVE USABLE FOR DOMESTIC VIOLENCE.

(a) DEFINITIONS- In this section:

(1) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS- The term `addressing domestic violence and its effects' has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611), as amended in section 531(a).

(2) EMPLOYEE- The term `employee' means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(3) EMPLOYER- The term `employer'--

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs individuals, if such person is also subject to the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) or to any provision of a State or local law, collective bargaining agreement, or employment benefits program or plan, addressing paid or unpaid leave from employment (including family, medical, sick, annual, personal, or similar leave); and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to any employee, and includes a public agency, who is subject to a law, agreement, program, or plan described in subparagraph (A), but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(4) EMPLOYMENT BENEFITS- The term 'employment benefits' has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(5) PARENT; SON OR DAUGHTER- The terms 'parent' and 'son or daughter' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(6) PUBLIC AGENCY- The term 'public agency' has the meaning given the term in section 3 of

the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(b) USE OF EXISTING LEAVE- An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to State or local law, a collective bargaining agreement, or an employment benefits program or plan, shall be permitted to use such leave for the purpose of addressing domestic violence and its effects, or for the purpose of caring for a son or daughter or parent of the employee, if such son or daughter or parent is addressing domestic violence and its effects.

(c) CERTIFICATION- In determining whether an employee qualifies to use leave as described in subsection (b), an employer may require a written statement, documentation of domestic violence, or corroborating evidence consistent with section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)), as amended by section 531(c).

(d) CONFIDENTIALITY- All evidence provided to the employer under subsection (c) of domestic violence experienced by an employee or the son or daughter or parent of the employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose

of addressing, or caring for a son or daughter or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of--

- (1) protecting the safety of the employee or a family member or co-worker of the employee; or
- (2) assisting in documenting domestic violence for a court or agency.

(e) PROHIBITED ACTS-

(1) INTERFERENCE WITH RIGHTS-

(A) EXERCISE OF RIGHTS- It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

(B) DISCRIMINATION- It shall be unlawful for any employer to discharge or in any other manner discriminate against an individual for opposing any practice made unlawful by this section.

(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES- It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual--

(A) has filed any charge, or had instituted or caused to be instituted any proceeding, under or related to this section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

(f) ENFORCEMENT-

(1) PUBLIC ENFORCEMENT- The Secretary of Labor shall have the powers set forth in subsections (b), (c), (d), and (e) of section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617) for the purpose of public agency enforcement of any alleged violation of subsection (e) against any employer.

(2) PRIVATE ENFORCEMENT- The remedies and procedures set forth in section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)) shall be the remedies and procedures pursuant to which an employee may initiate a legal action against an employer for alleged violations of subsection (e).

(3) REFERENCES- For purposes of paragraph (1) and (2), references in section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617) to

section 105 of such Act (29 U.S.C. 2615) shall be considered to be references to subsection (e).

(4) EMPLOYER LIABILITY UNDER OTHER LAWS- Nothing in this section shall be construed to limit the liability of an employer to an employee for harm suffered relating to the employee's experience of domestic violence pursuant to any other Federal or State law, including a law providing for a legal remedy.

Subtitle D--Federal Employees Paid Parental Leave

SEC. 541. SHORT TITLE.

This subtitle may be cited as the 'Federal Employees Paid Parental Leave Act of 2003'.

SEC. 542. DEMONSTRATION PROJECT.

Subchapter V of chapter 63 of title 5, United States Code, is amended--

(1) by redesignating section 6387 as section 6388; and

(2) by inserting after section 6386 the following:

`Sec. 6387. Paid leave demonstration project

`(a) The Office of Personnel Management may, through an agreement or contract with 1 or more employing agencies described in subsection (b), conduct under section 4703 a demonstration project that assists families by providing paid leave for eligible individuals who are responding to--

`(1) caregiving needs resulting from the birth or adoption of a son or daughter; or

`(2) other family caregiving needs.

`(b) In carrying out a project under this section, an employing agency of 1 or more employees shall provide partial or full paid leave to eligible individuals for not less than 6 weeks during a period of leave, or an absence from employment, described in subsection (c)(2), during any 12-month period. Paid leave available to an individual under this subsection shall be in addition to any annual or sick leave that the individual may elect to use during a period of leave, or an absence from employment, described in subsection (c)(2), during any 12-month period.

`(c) To be eligible to receive paid leave under subsection (a), an individual shall--

`(1) be an employee who meets such eligibility criteria as the Office of Personnel

Management may specify in a plan described in section 4703(b); and

`(2) be--

`(A) an individual who is taking leave, under this subchapter, or other Federal law, for a reason described in subparagraph (A) or (B) of section 6382(a)(1);

`(B) at the option of the Office of Personnel Management, an individual who--

`(i) is taking leave, under this subchapter, or other Federal law, for a reason described in subparagraph (C), (D), (E), or (F) of section 6382(a)(1); or

`(ii) leaves employment, and has an absence from employment, because the individual has elected to care for a son or daughter under age 1; or

`(C) at the option of the Office of Personnel Management, an individual who has an absence from employment and has other characteristics specified by the Office of Personnel Management in a plan described in section 4703(b).

`(d) An employing agency that provides partial or full paid leave to an eligible individual under this section shall notify (in a form and manner prescribed by the Office of Personnel Management) the individual that the employing agency shall count an appropriate period of leave, calculated under section 6382(f), against the total amount of leave (if any) to which the employee is entitled under section 6382(a)(1).

`(e)(1) A demonstration project conducted under this section shall not be counted toward the 10-project limit established in section 4703(d)(2).

`(2) The Office of Personnel Management may provide a waiver for the demonstration project in accordance with section 4703, except that section 4703(c)(1) shall not apply to such a waiver.

`(f)(1) There are authorized to be appropriated to carry out this section \$400,000,000 for fiscal year 2004 and such sums as may be necessary for each subsequent fiscal year.

`(2) Funds appropriated under paragraph (1) may be allocated as described in section 4704.'.

SEC. 543. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL- Section 6382 of title 5, United States Code, is amended by adding at the end the following:

`(f)(1) If an employing agency provides an amount of full paid leave to an employee for a period under section 6387, the employing agency shall count an amount of leave, equal to

that period, against the total amount of leave (if any) to which the employee is entitled under subsection (a)(1).

`(2) If an employing agency provides an amount of partial paid leave to an employee for a period under section 6387, the employing agency shall--

`(A) total the amount of partial paid leave provided for that period;

`(B) convert the total into a corresponding amount of full paid leave provided for a proportionately reduced period; and

`(C) count an amount of leave, equal to the period described in subparagraph (B), against the total amount of leave (if any) to which the employee is entitled under subsection (a)(1).'

(b) TECHNICAL AND CONFORMING AMENDMENTS- Section 6382 of title 5, United States Code, is amended--

(1) in subsection (c), by striking `(d),' and inserting `(d) or section 6387,'; and

(2) in subsection (d), by inserting `any unpaid' after `substitute for'.

(c) TABLE OF SECTIONS- The table of sections for chapter 63 of title 5, United States Code, is amended by striking the item relating to section 6387 and inserting the following:

`6387. Paid leave demonstration project.

`6388. Regulations.'

SEC. 544. EFFECTIVE DATE.

The amendments made by this subtitle shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of enactment of this Act.

Subtitle E--Time for Schools

SEC. 551. SHORT TITLE.

This subtitle may be cited as the `Time for Schools Act of 2003'.

SEC. 552. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE- Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

`(3) ENTITLEMENT TO SCHOOL INVOLVEMENT LEAVE-

`(A) IN GENERAL- Subject to section 103(h), an eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

`(B) DEFINITIONS- In this paragraph:

`(i) FAMILY LITERACY PROGRAM- The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

`(I) Interactive literacy activities between parents and their sons and daughters.

`(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

`(III) Parent literacy training.

`(IV) An age-appropriate education program for sons and daughters.

`(ii) LITERACY- The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary--

`(I) to function on the job, in the family of the individual, and in society;

`(II) to achieve the goals of the individual; and

`(III) to develop the knowledge potential of the individual.

`(iii) SCHOOL- The term 'school' means an elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

`(4) LIMITATION- No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.'

(b) SCHEDULE- Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: `Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.'

(c) SUBSTITUTION OF PAID LEAVE- Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: `, or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection'.

(d) NOTICE- Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

`(3) NOTICE FOR SCHOOL INVOLVEMENT LEAVE- In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.'

(e) CERTIFICATION- Section 103 of such Act (29 U.S.C. 2613), as amended by section 531(c), is further amended by adding at the end the following:

`(h) CERTIFICATION FOR SCHOOL INVOLVEMENT LEAVE- An employer may require that a request for

leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.'

SEC. 553. SCHOOL INVOLVEMENT LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE- Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

`(3)(A) Subject to section 6383(h), an employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

`(B) In this paragraph:

`(i) The term `family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable

changes in a family and that integrate all of the following activities:

`(I) Interactive literacy activities between parents and their sons and daughters.

`(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

`(III) Parent literacy training.

`(IV) An age-appropriate education program for sons and daughters.

`(ii) The term `literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary--

`(I) to function on the job, in the family of the individual, and in society;

`(II) to achieve the goals of the individual; and

`(III) to develop the knowledge potential of the individual.

`(iii) The term `school' means an elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

`(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.'

(b) SCHEDULE- Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: `Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.'

(c) SUBSTITUTION OF PAID LEAVE- Section 6382(d) of such title is amended by inserting before `, except' the following: `, or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection'.

(d) NOTICE- Section 6382(e) of such title is amended by adding at the end the following:

`(3) In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employing agency with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection.

If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.'

(e) CERTIFICATION- Section 6383 of such title, as amended by section 532(c), is further amended by adding at the end the following:

`(h) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.'

SEC. 554. EFFECTIVE DATE.

This subtitle takes effect 120 days after the date of enactment of this Act.

END